

## **REMARKS**

### **I. Status of the Claims**

Upon entry of the present amendment, the word "pharmaceutical" is deleted in claims 39, 58, 62-64, 66, 67, 72-77, and 81-86, whereas the recitation "a physiologically acceptable carrier" is added in claims 39, 58, 62, 66, 72, 73, 81. No new matter is introduced.

### **II. Claim Rejections**

#### **A. 35 U.S.C. §112, First Paragraph: Enablement**

Claims 39-41, 58-60, 62-64, 66-68, 72-77, and 81-86 are rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. More specifically, the Examiner contends that enablement is lacking because the claims are drawn to a "pharmaceutical composition." In response to this rejection, the word "pharmaceutical" is deleted from the pertinent claims. The Examiner's concerns are thereby alleviated and the enablement rejection should be withdrawn.

#### **B. Double Patenting**

Claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 1, 4, and 10-12 of U.S. Patent No. 7,186,412; claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 1-6 of U.S. Patent No. 6,350,456; claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 7-9, 16, and 21-23 of U.S. Patent No. 7,331,922. In response, terminal disclaimers disclaiming the patent term beyond that of U.S. Patent No. 7,186,412; 6,350,456; or 7,331,922 are filed with this response. The double patenting rejection is therefore overcome.

## **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Amdt. dated October 12, 2009  
In reply to Office Action mailed June 12, 2009

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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